



ATTORNEY DOCKET NO. 13172.0001U1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
DEAN et al.)	Examiner: Sisson, Bradley L.
)	
Application No. 09/514,113)	Art Unit: 1634
)	
Filed: February 28, 2000)	Confirmation No.: 9257
)	
For: METHOD FOR REDUCING ARTIFACTS)	
IN NUCLEIC ACID AMPLIFICATION)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 13, 2004 rejecting claims 1-19, 21, 22 and 77-80. Submitted with this Notice of Appeal are a Transmittal of Supplemental Appeal Brief, a Supplemental Appeal Brief, an Amendment Pursuant to 37 C.F.R. §41.33(b)(1), and a Request for Extension of Time along with the required fee.

It is believed that no additional fee is required with this submission. 35 U.S.C. § 134 states that "an applicant for a patent...may appeal from a decision of the primary examiner to the Board of Patent Appeals and Interferences, having *once* paid the fee for such appeal" (emphasis added). The fee for filing a Notice of Appeal specified in 37 C.F.R. 41.20(b)(1) was previously paid with the Notice of Appeal mailed December 16, 2003. Since applicants have once paid the

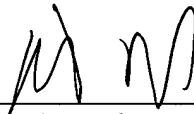
ATTORNEY DOCKET NO. 13172.0001U1
APPLICATION NO. 09/514,113

fee for an appeal in this application, it is believed that no fee for filing of this Notice of Appeal is required. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$225.00, representing the fee for a small entity under 37 C.F.R. § 1.17(a)(2), a Transmittal of Supplemental Appeal Brief, a Supplemental Appeal Brief, an Amendment Pursuant to 37 C.F.R. §41.33(b)(1), and a Request for Extension of Time are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Robert A. Hodges
Registration No. 41,074

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Robert A. Hodges

12/13/2004
Date